

92 00096

REPORT

OF THE

INDEPENDENT

COMMISSION

ON THE

LOS ANGELES

POLICE

DEPARTMENT

## SUMMARY

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ON THE LOS ANGELES POLICE DEPARTMENT

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July 9, 1991

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TO: Mayor Tom Bradley  
City Council President John Ferraro  
and Members of the City Council  
Chief of Police Daryl F. Gates

Ladies and Gentlemen:

It is our privilege to present the report of the Independent Commission on the Los Angeles Police Department.

Since our Commission began its work early in April 1991, we have conducted a comprehensive investigation into the use of excessive force by the Los Angeles Police Department and related issues. We have sought to examine every aspect of the law enforcement operations and structure that might cause or contribute to the problem. This report documents our findings and makes recommendations for your consideration.

We have completed this report within a restricted time frame because delay would not be in the public interest. We would not have been able to do so without the full support and cooperation from many areas of local government, including the entities which each of you heads. Nor would we have been able to do so without the unprecedented volunteer efforts of lawyers, accountants, and other experts acknowledged in our report.

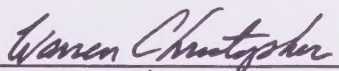


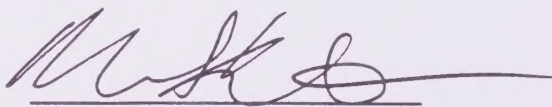
July 9, 1991 -- Page two

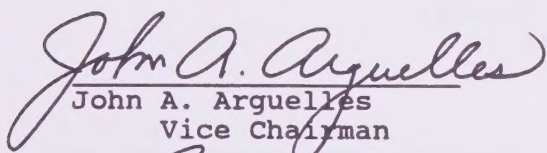
We commend our recommendations to your earnest and prompt consideration. It is our conviction that, if faithfully implemented, they will help to avoid a repetition of the abhorrent Rodney King incident and others like it.

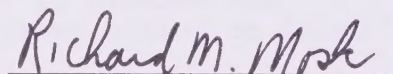
Providence destined Los Angeles for greatness as a City. It is in your hands to help fulfill this destiny by promptly addressing the reforms recommended in this report.

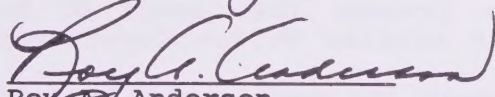
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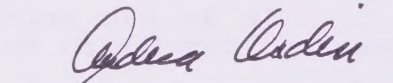
  
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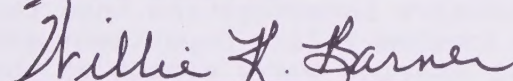
  
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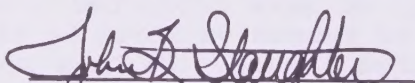
  
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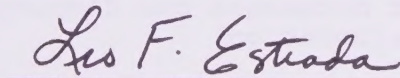
  
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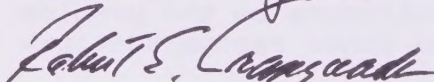
  
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cc: District Attorney Ira Reiner  
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## Summary of Report

The videotaped beating of Rodney G. King by three uniformed officers of the Los Angeles Police Department, in the presence of a sergeant and with a large group of other officers standing by, galvanized public demand for evaluation and reform of police procedures involving the use of force. In the wake of the incident and the resulting widespread outcry, the Independent Commission on the Los Angeles Police Department was created. The Commission sought to examine all aspects of the law enforcement structure in Los Angeles that might cause or contribute to the problem of excessive force. The Report is unanimous.

The King beating raised fundamental questions about the LAPD, including:

- the apparent failure to control or discipline officers with repeated complaints of excessive force
- concerns about the LAPD's "culture" and officers' attitudes toward racial and other minorities



- the difficulties the public encounters in attempting to make complaints against LAPD officers
- the role of the LAPD leadership and civilian oversight authorities in addressing or contributing to these problems

These and related questions and concerns form the basis for the Commission's work.

## **LOS ANGELES AND ITS POLICE FORCE**

The LAPD is headed by Police Chief Daryl Gates with an executive staff currently consisting of two assistant chiefs, five deputy chiefs, and 17 commanders. The City Charter provides that the Department is ultimately under the control and oversight of the five-member civilian Board of Police Commissioners. The Office of Operations, headed by Assistant Chief Robert Vernon, accounts for approximately 84% of the Department's personnel, including most patrol officers and detectives. The Office of Operations has 18 separate geographic areas within the City, divided among four bureaus (Central, South, West, and Valley). There are currently about 8,450 sworn police officers, augmented by more than 2,000 civilian LAPD employees.

While the overall rate of violent crime in the United States increased three and one-half times between 1960 and 1989, the rate in Los Angeles during the same period was more than twice the national average. According to 1986 data recently published by the Police Foundation, the Los Angeles police were the busiest among the officers in the nation's largest six cities. As crime rates soar, police officers must contend with more and more potential and actual violence each day. One moment officers must confront a life-threatening situation; the next they must deal with citizen problems requiring understanding and kindness. The difficulties of policing in Los Angeles are compounded by its vast geographic area and the ethnic diversity of its population. The 1990 census data reflect how enormous that diversity is: Latinos constitute 40% of the total population; Whites 37%; African-Americans 13%; and Asian/Pacific Islanders and others 10%. Of the police departments of the six largest United States cities, the LAPD has the fewest officers per resident and the fewest officers per square mile. Yet the LAPD boasts more arrests per officer than



other forces. Moreover, by all accounts, the LAPD is generally efficient, sophisticated, and free of corruption.

## **THE PROBLEM OF EXCESSIVE FORCE**

LAPD officers exercising physical force must comply with the Department's Use of Force Policy and Guidelines, as well as California law. Both the LAPD Policy and the Penal Code require that force be reasonable; the Policy also requires that force be necessary. An officer may resort to force only where he or she faces a credible threat, and then may use only the minimum amount necessary to control the suspect.

The Commission has found that there is a significant number of LAPD officers who repetitively misuse force and persistently ignore the written policies and guidelines of the Department regarding force. The evidence obtained by the Commission shows that this group has received inadequate supervisory and management attention.

Former Assistant Chief Jesse Brewer testified that this lack of management attention and accountability is the "essence of the excessive force problem . . . . We know who the bad guys are. Reputations become well known, especially to the sergeants and then of course to lieutenants and the captains in the areas . . . . But I don't see anyone bring these people up . . . ." Assistant Chief David Dotson testified that "we have failed miserably" to hold supervisors accountable for excessive force by officers under their command. Interviews with a large number of present and former LAPD officers yield similar conclusions. Senior and rank-and-file officers generally stated that a significant number of officers tended to use force excessively, that these problem officers were well known in their divisions, that the Department's efforts to control or discipline those officers were inadequate, and that their supervisors were not held accountable for excessive use of force by officers in their command.

The Commission's extensive computerized analysis of the data provided by the Department (personnel complaints, use of force reports, and reports of officer-involved shootings) shows that a significant group of problem officers poses a much higher risk of excessive force than other officers:

- Of approximately 1,800 officers against whom an allegation of excessive force or improper tactics was made from 1986 to 1990, more than 1,400 had only one or two allegations.



But 183 officers had four or more allegations, 44 had six or more, 16 had eight or more, and one had 16 such allegations.

- Of nearly 6,000 officers identified as involved in use of force reports from January 1987 to March 1991, more than 4,000 had fewer than five reports each. But 63 officers had 20 or more reports each. The top 5% of the officers (ranked by number of reports) accounted for more than 20% of all reports . . . .

Blending the data disclosed even more troubling patterns. For example, in the years covered, one officer had 13 allegations of excessive force and improper tactics, 5 other complaint allegations, 28 use of force reports, and 1 shooting. Another had 6 excessive force/improper tactics allegations, 19 other complaint allegations, 10 use of force reports, and 3 shootings. A third officer had 7 excessive force/improper tactic allegations, 7 other complaint allegations, 27 use of force reports, and 1 shooting.

A review of personnel files of the 44 officers identified from the LAPD database who had six or more allegations of excessive force or improper tactics for the period 1986 through 1990 disclosed that the picture conveyed was often incomplete and at odds with contemporaneous comments appearing in complaint files. As a general matter, the performance evaluation reports for those problem officers were very positive, documenting every complimentary comment received and expressing optimism about the officer's progress in the Department. The performance evaluations generally did not give an accurate picture of the officers' disciplinary history, failing to record "sustained" complaints or to discuss their significance, and failing to assess the officer's judgment and contacts with the public in light of disturbing patterns of complaints.

The existence of a significant number of officers with an unacceptable and improper attitude regarding the use of force is supported by the Commission's extensive review of computer messages sent to and from patrol cars throughout the City over the units' Mobile Digital Terminals ("MDTs"). The Commission's staff examined 182 days of MDT transmissions selected from the period from November 1989 to March 1991. Although the vast majority of messages reviewed consisted of routine police communications, there were hundreds of improper messages, including scores in which officers talked



about beating suspects: "Capture him, beat him and treat him like dirt . . . ." Officers also used the communications system to express their eagerness to be involved in shooting incidents. The transmissions also make clear that some officers enjoy the excitement of a pursuit and view it as an opportunity for violence against a fleeing suspect.

The patrol car transmissions can be monitored by a field supervisor and are stored in a database where they could be (but were not) audited. That many officers would feel free to type messages about force under such circumstances suggests a serious problem with respect to excessive force. That supervisors made no effort to monitor or control those messages evidences a significant breakdown in the Department's management responsibility.

The Commission also reviewed the LAPD's investigation and discipline of the officers involved in all 83 civil lawsuits alleging excessive or improper force by LAPD officers for the period 1986 through 1990 that resulted in a settlement or judgment of more than \$15,000. A majority of cases involved clear and often egregious officer misconduct resulting in serious injury or death to the victim. The LAPD's investigation of these 83 cases was deficient in many respects, and discipline against the officers involved was frequently light and often nonexistent.

While the precise size and identity of the problem group of officers cannot be specified without significant further investigation, its existence must be recognized and addressed. The LAPD has a number of tools to promote and enforce its policy that only reasonable and necessary force be used by officers. There are rewards and incentives such as promotions and pay upgrades. The discipline system exists to impose sanctions for misconduct. Officers can be reassigned. Supervisors can monitor and counsel officers under their command. Officers can be trained at the Police Academy and, more importantly, in the field, in the proper use of force.

The Commission believes that the Department has not made sufficient efforts to use those tools effectively to address the significant number of officers who appear to be using force excessively and improperly. The leadership of the LAPD must send a much clearer and more effective message that excessive force will not be tolerated and that officers and their supervisors will be

evaluated to an important extent by how well they abide by and advance the Department's policy regarding use of force.

## **RACISM AND BIAS**

The problem of excessive force is aggravated by racism and bias within the LAPD. That nexus is sharply illustrated by the results of a survey recently taken by the LAPD of the attitudes of its sworn officers. The survey of 960 officers found that approximately one-quarter (24.5%) of 650 officers responding agreed that "racial bias (prejudice) on the part of officers toward minority citizens currently exists and contributes to a negative interaction between police and community." More than one-quarter (27.6%) agreed that "an officer's prejudice towards the suspect's race may lead to the use of excessive force."

The Commission's review of MDT transmissions revealed an appreciable number of disturbing and recurrent racial remarks. Some of the remarks describe minorities through animal analogies ("sounds like monkey slapping time"). Often made in the context of discussing pursuits or beating suspects, the offensive remarks cover the spectrum of racial and ethnic minorities in the City ("I would love to drive down Slauson with a flame thrower . . . we would have a barbecue"; "I almost got me a Mexican last night but he dropped the dam gun to quick, lots of wit"). The officers typing the MDT messages apparently had little concern that they would be disciplined for making such remarks. Supervisors failed to monitor the messages or to impose discipline for improper remarks and were themselves frequently the source of offensive comments when in the field.

These attitudes of prejudice and intolerance are translated into unacceptable behavior in the field. Testimony from a variety of witnesses depict the LAPD as an organization with practices and procedures that are conducive to discriminatory treatment and officer misconduct directed to members of minority groups. Witnesses repeatedly told of LAPD officers verbally harassing minorities, detaining African-American and Latino men who fit certain generalized descriptions of suspects, employing unnecessarily invasive or humiliating tactics in minority neighborhoods and using excessive force. While the Commission does not purport to adjudicate the validity of any



one of these numerous complaints, the intensity and frequency of them reveal a serious problem.

Bias within the LAPD is not confined to officers' treatment of the public, but is also reflected in conduct directed to fellow officers who are members of racial or ethnic minority groups. The MDT messages and other evidence suggest that minority officers are still too frequently subjected to racist slurs and comments and to discriminatory treatment within the Department. While the relative number of officers who openly make racially derogatory comments or treat minority officers in a demeaning manner is small, their attitudes and behavior have a large impact because of the failure of supervisors to enforce vigorously and consistently the Department's policies against racism. That failure conveys to minority and non-minority officers alike the message that such conduct is in practice condoned by the Department.

The LAPD has made substantial progress in hiring minorities and women since the 1981 consent decree settling discrimination lawsuits against the Department. That effort should continue, including efforts to recruit Asians and other minorities who are not covered by the consent decree. The Department's statistics show, however, that the vast majority of minority officers are concentrated in the entry level police officer ranks in the Department. More than 80% of African-American, Latino and Asian officers hold the rank of Police Officer I-III. Many minority officers cite white dominance of managerial positions within the LAPD as one reason for the Department's continued tolerance of racially motivated language and behavior.

Bias within the LAPD is not limited to racist and ethnic prejudices but includes strongly felt bias based on gender and sexual orientation. Current LAPD policy prohibits all discrimination, including that based on sexual orientation. A tension remains, however, between the LAPD's official policy and actual practice. The Commission believes that the LAPD must act to implement fully its formal policy of nondiscrimination in the recruitment and promotion of gay and lesbian officers.

A 1987 LAPD study concluded that female officers were subjected to a double standard and subtle harassment and were not accepted as part of the working culture. As revealed in interviews of many of the officers charged with training new recruits, the problem has not abated in the last four years.

Although female LAPD officers are in fact performing effectively, they are having a difficult time being accepted on a full and equal basis.

The Commission heard substantial evidence that female officers utilize a style of policing that minimizes the use of excessive force. Data examined by the Commission indicate that LAPD female officers are involved in use of excessive force at rates substantially below those of male officers. Those statistics, as confirmed by both academic studies and anecdotal evidence, also indicate that women officers perform at least as well as their male counterparts when measured by traditional standards.

The Commission believes that the Chief of Police must seek tangible ways, for example, through the use of the discipline system, to establish the principle that racism and bias based on ethnicity, gender, or sexual orientation will not be tolerated within the Department. Racism and bias cannot be eliminated without active leadership from the top. Minority and female officers must be given full and equal opportunity to assume leadership positions in the LAPD. They must be assigned on a fully nondiscriminatory basis to the more desirable, "coveted" positions and promoted on the same nondiscriminatory basis to supervisory and managerial positions.

## **COMMUNITY POLICING**

The LAPD has an organizational culture that emphasizes crime control over crime prevention and that isolates the police from the communities and the people they serve. With the full support of many, the LAPD insists on aggressive detection of major crimes and a rapid, seven-minute response time to calls for service. Patrol officers are evaluated by statistical measures (for example, the number of calls handled and arrests made) and are rewarded for being "hardnosed." This style of policing produces results, but it does so at the risk of creating a siege mentality that alienates the officer from the community.

Witness after witness testified to unnecessarily aggressive confrontations between LAPD officers and citizens, particularly members of minority communities. From the statements of these citizens, as well as many present and former senior LAPD officers, it is apparent that too many LAPD patrol officers view citizens with resentment and hostility; too many treat the public with rudeness and disrespect. LAPD officers themselves seem to recognize the extent of the problem: nearly two-thirds (62.9%) of the 650 officers who



responded to the recent LAPD survey expressed the opinion that "increased interaction with the community would improve the Department's relations with citizens."

A model of community policing has gained increased acceptance in other parts of the country during the past 10 years. The community policing model places service to the public and prevention of crime as the primary role of police in society and emphasizes problem solving, with active citizen involvement in defining those matters that are important to the community, rather than arrest statistics. Officers at the patrol level are required to spend less time in their cars communicating with other officers and more time on the street communicating with citizens. Proponents of this style of policing insist that addressing the causes of crime makes police officers more effective crime-fighters, and at the same time enhances the quality of life in the neighborhood.

The LAPD made early efforts to incorporate community policing principles and has continued to experiment with those concepts. For example, the LAPD's nationally recognized DARE program has been viewed by officers and the public alike as a major achievement. The LAPD remains committed, however, to its traditional style of law enforcement with an emphasis on crime control and arrests. LAPD officers are encouraged to command and to confront, not to communicate. Community policing concepts, if successfully implemented, offer the prospect of effective crime prevention and substantially improved community relations. Although community-based policing is not a panacea for the problem of crime in society, the LAPD should carefully implement this model on a City-wide basis. This will require a fundamental change in values. The Department must recognize the merits of community involvement in matters that affect local neighborhoods, develop programs to gain an adequate understanding of what is important to particular communities, and learn to manage departmental affairs in ways that are consistent with the community views expressed. Above all, the Department must understand that it is accountable to all segments of the community.

## **RECRUITMENT**

Although 40% of the candidates for admission to the Police Academy are disqualified as a result of psychological testing and background investigation, the Commission's review indicated that the initial psychological evaluation is an

ineffective predictor of an applicant's tendencies toward violent behavior and that the background investigation pays too little attention to a candidate's history of violence. Experts agree that the best predictor of future behavior is previous behavior. Thus, the background investigation offers the best hope of screening out violence-prone applicants. Unfortunately, the background investigators are overworked and inadequately trained.

Improved screening of applicants is not enough. Police work modifies behavior. Many emotional and psychological problems may develop during an officer's tenure on the force. Officers may enter the force well suited psychologically for the job, but may suffer from burnout, alcohol-related problems, cynicism, or disenchantment, all of which can result in poor control over their behavior. A person's susceptibility to the behavior-modifying experiences of police work may not be revealed during even the most skilled and sophisticated psychological evaluation process. Accordingly, officers should be retested periodically to determine both psychological and physical problems. In addition, supervisors must understand their role to include training and counseling officers to cope with the problems policing can often entail, so that they may be dealt with before an officer loses control or requires disciplinary action.

## **TRAINING**

LAPD officer training has three phases. Each recruit spends approximately six months at the Police Academy. The new officer then spends one year on probation working with more experienced patrol officers who serve as field training officers ("FTOs"). Thereafter, all officers receive continuing training, which includes mandatory field training and daily training at roll call. The Commission believes that in each phase of the training additional emphasis is needed on the use of verbal skills rather than physical force to control potentially volatile situations and on the development of human relationship skills.

The quality of instruction at the Police Academy is generally impressive. However, at present the curriculum provides only eight hours in cultural awareness training. No more than 1-1/2 hours is devoted to any ethnic group. Substantially more training on this important topic is essential. In addition, the Academy's current Spanish language program needs to be reviewed and



current deficiencies corrected. Officers with an interest in developing broader language skills should be encouraged to do so.

Upon graduation the new officer works as a "probationary officer" assigned to various field training officers. The FTOs guide new officers' first contacts with citizens and have primary responsibility for introducing the probationers to the culture and traditions of the Department. The Commission's interviews of FTOs in four representative divisions revealed that many FTOs openly perpetuate the siege mentality that alienates patrol officers from the community and pass on to their trainees confrontational attitudes of hostility and disrespect for the public. This problem is in part the result of flaws in the way FTOs are selected and trained. The hiring of a very large number of new officers in 1989, which required the use of less experienced FTOs, greatly exacerbated the problem.

Any officer promoted to Police Officer III by passing a written examination covering Department policies and procedures is eligible to serve as an FTO. At present there are no formal eligibility or disqualification criteria for the FTO position based on an applicants' disciplinary records. Fourteen of the FTOs in the four divisions the Commission studied had been promoted to FTO despite having been disciplined for use of excessive force or use of improper tactics. There also appears to be little emphasis on selecting FTOs who have an interest in training junior officers, and an FTO's training ability is given little weight in his or her evaluation.

The most influential training received by a probationer comes from the example set by his or her FTO. Virtually all of the FTOs interviewed stated that their primary objective in training probationers is to instill good "officer safety skills." While the Commission recognizes the importance of such skills in police work, the probationers' world is quickly divided into "we/they" categories, which is exacerbated by the failure to integrate any cultural awareness or sensitivity training into field training.

The Commission believes that, to become FTOs, officers should be required to pass written and oral tests designed to measure communications skills, teaching aptitude, and knowledge of Departmental policies regarding appropriate use of force, cultural sensitivity, community relations, and nondiscrimination. Officers with an aptitude for and interest in training junior officers should be encouraged by effective incentives to apply for FTO positions. In addition, the training program for FTOs should be modified to

place greater emphasis on communication skills and the appropriate use of force. Successful completion of FTO School should be required before an FTO begins teaching probationers.

### **PROMOTION, ASSIGNMENT, AND OTHER PERSONNEL ISSUES**

In the civil service process for promotion of officers in the LAPD, the information considered includes performance evaluations, educational and training background, and all sustained complaints. The number and nature of any not sustained complaints, however, are not considered. The Commission recommends that a summary of not sustained complaints be considered in promotion decisions, as well as in paygrade advancements and assignments to desirable positions that are discretionary within the LAPD and outside the civil service system.

This is not to say that a past complaint history, even including a sustained complaint for excessive force, should automatically bar an officer from promotion. But there should be a careful consideration of the officer's complaint history including a summary of not sustained complaints, and particularly multiple complaints with similar fact patterns.

Complaint histories should also be considered in assignment of problem officers who may be using force improperly. For example, a problem officer can be paired with an officer with excellent communications skills that may lessen the need for use of force, as opposed to a partner involved in prior incidents of force with that problem officer. Another example is assignments to the jail facilities where potential for abuse by officers with a propensity to use excessive force is high. As several incidents examined by the Commission made clear, transfer of an officer to another geographical area is not likely to address a problem of excessive force without other remedial measures such as increased supervising, training and counseling.

Since 1980 the Department has permitted police officers working in patrol to select the geographic area or division for their patrol assignment subsequent to their initial assignment after completion of probation. As a result, sergeants and patrol officers tend to remain in one division for extended periods. The Commission believes that assignment procedures should be modified to require rotation through various divisions to ensure that officers work in a wide range of police functions and varied patrol locations during their careers. Such



a rotation program will increase officers' experience and also will enable the Department to deploy police patrols with greater diversity throughout the City.

Under the current promotion system officers generally must leave patrol to advance within the Department. Notwithstanding the importance of the patrol function, therefore, the better officers are encouraged to abandon patrol. To give patrol increased emphasis and to retain good, experienced officers, the LAPD should increase rewards and incentives for patrol officers.

## **PERSONNEL COMPLAINTS AND OFFICER DISCIPLINE**

No area of police operations received more adverse comment during the Commission's public hearings than the Department's handling of complaints against LAPD officers, particularly allegations involving the use of excessive force. Statistics make the public's frustration understandable. Of the 2,152 citizen allegations of excessive force from 1986 through 1990, only 42 were sustained.

All personnel complaints are reviewed by a captain in the LAPD's Internal Affairs Division ("IAD") to determine whether the complaint will be investigated by IAD or the charged officer's division. Generally IAD investigates only a few cases because of limited resources. Wherever investigated, the matter is initially adjudicated by the charged officer's division commanding officer, with a review by the area and bureau commanders.

The Commission has found that the complaint system is skewed against complainants. People who wish to file complaints face significant hurdles. Some intake officers actively discourage filing by being uncooperative or requiring long waits before completing a complaint form. In many heavily Latino divisions, there is often no Spanish speaking officer available to take complaints.

Division investigations are frequently inadequate. Based on a review of more than 700 complaint investigation files, the Commission found many deficiencies. For example, in a number of complaint files the Commission reviewed, there was no indication that the investigators had attempted to identify or locate independent witnesses or, if identified, to interview them. IAD investigations, on the whole, were of a higher quality than the division investigations. Although the LAPD has a special "officer involved shooting team," the Commission also found serious flaws in the investigation of shooting

cases. Officers are frequently interviewed as a group, and statements are often not recorded until the completion of a "pre-interview."

The process of complaint adjudication is also flawed. First, there is no uniform basis for categorizing witnesses as "independent" or "non-involved" as opposed to "involved," although that distinction can determine whether a complaint is "not sustained" or "sustained." Some commanding officers also evaluate witnesses' credibility in inconsistent and biased ways that improperly favor the officer. Moreover, even when excessive force complaints are sustained, the punishment is more lenient than it should be. As explained by one deputy chief, there is greater punishment for conduct that embarrasses the Department (such as theft or drug use) than for conduct that reflects improper treatment of citizens. Statistical data also support the inference that the Department treats excessive force violations more leniently than it treats other types of officer misconduct.

Perhaps the greatest single barrier to the effective investigation and adjudication of complaints is the officers' unwritten code of silence: an officer does not provide adverse information against a fellow officer. While loyalty and support are necessary qualities, they cannot justify the violation of an officer's public responsibilities to ensure compliance with the law, including LAPD regulations.

A major overhaul of the disciplinary system is necessary to correct these problems. The Commission recommends creation of the Office of the Inspector General within the Police Commission with responsibility to oversee the disciplinary process and to participate in the adjudication and punishment of the most serious cases. The Police Commission should be responsible for overseeing the complaint intake process. Citizens must believe they can lodge complaints that will be investigated and determined fairly. All complaints relating to excessive force (including improper tactics) should be investigated by IAD, rather than at the involved officer's division, and should be subject to periodic audits by the Inspector General. While the Chief of Police should remain the one primarily responsible for imposing discipline in individual cases, the Police Commission should set guidelines as a matter of policy and hold the Chief accountable for following them.



## **STRUCTURAL ISSUES**

Although the City Charter assigns the Police Commission ultimate control over Department policies, its authority over the Department and the Chief of Police is illusory. Structural and operational constraints greatly weaken the Police Commission's power to hold the Chief accountable and therefore its ability to perform its management responsibilities, including effective oversight. Real power and authority reside in the Chief.

The Chief of Police is the general manager and chief administrative officer of the Police Department. The Police Commission selects the Chief from among top competitors in a civil service examination administered by the Personnel Department. Candidates from outside the Department are disadvantaged by City Charter provisions and seniority rules.

The Chief's civil service status largely protects him or her from disciplinary action or discharge by giving him a "substantial property right" in his job and declaring that he cannot be suspended or removed except for "good and sufficient cause" based upon an act or omission occurring within the prior year. In addition, recently enacted Charter Amendment 5 empowers the City Council to review and override the actions of the City's commissions, including the Police Commission.

The Police Commission's staff is headed by the Commanding Officer, Commission Operations, a sworn LAPD officer chosen by the Police Commissioners, who normally serves in that post for two to three years. Because the Police Commission depends heavily on the Commanding Officer to review information received from the Department and to identify issues, it must also rely on his willingness to criticize his superior officers. However, he lacks the requisite independence because his future transfer and promotion are at the discretion of the Chief of Police, and he is part of the Chief's command structure as well as being answerable to the Police Commission.

The Police Commission receives summaries, prepared by the Department, of disciplinary actions against sworn officers, but cannot itself impose discipline. The summaries are brief and often late, making it impossible for the Police Commission to monitor systematically the discipline imposed by the Chief in use of force and other cases.

The Commission believes that the Department should continue to be under the general oversight and control of a five-member, part-time citizen Police

Commission. Commissioners' compensation should be increased substantially. They should serve a maximum of five years with staggered terms. The Police Commission's independent staff should be increased by adding civilian employees, including management auditors, computer systems data analysts, and investigators with law enforcement experience. It is vital that the Police Commission's staff be placed under the control of an independent civilian Chief of Staff, a general manager level employee.

The Chief of Police must be more responsive to the Police Commission and the City's elected leadership, but also must be protected against improper political influences. To achieve this balance, the Chief should serve a five-year term, renewable at the discretion of the Police Commission for one additional five-year term. The selection, tenure, discipline, and removal of the Chief should be exempted from existing civil service provisions. The Chief should be appointed by the Mayor, with advice from the Police Commission and the consent of the City Council after an open competition. The Police Commission should have the authority to terminate the Chief prior to the expiration of the first or second five-year term, but the final decision to terminate should require the concurrence of the Mayor and be subject to a reversal by vote of two-thirds of the City Council.

## **IMPLEMENTATION**

Full implementation of this Report will require action by the Mayor, the City Council, the Police Commission, the Police Department, and ultimately the voters. To monitor the progress of reform, the City Council should require reports on implementation at six month intervals from the Mayor, the Council's own Human Resources and Labor Relations Committee, the Police Commission, and the Police Department. The Commission should reconvene in six months to assess the implementation of its recommendations and to report to the public.

Chief Gates has served the LAPD and the City 42 years, the past 13 years as Chief of Police. He has achieved a noteworthy record of public service in a stressful and demanding profession. For the reasons set forth in support of the recommendation that the Chief of Police be limited to two five-year terms, the Commission believes that commencement of a transition in that office is now appropriate. The Commission also believes that the interests of harmony and



healing would be served if the Police Commission is now reconstituted with members not identified with the recent controversy involving the Chief.

More than any other factor, the attitude and actions of the leaders of the Police Department and other City agencies will determine whether the recommendations of this Report are adopted. To make genuine progress on issues relating to excessive force, racism and bias, leadership must avoid sending mixed signals. We urge those leaders to give priority to stopping the use of excessive force and curbing racism and bias and thereby to bring the LAPD to a new level of excellence and esteem throughout Los Angeles.





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